

Substitute Bill No. 7055

Januarv	Session,	2017

_____HB07055TRA___032017____^

AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF TRANSPORTATION REGARDING THE NOTIFICATION OF STATE CONSTRUCTION CONTRACT OPPORTUNITIES BY THE UNIVERSITY OF CONNECTICUT AND THE COMMISSIONER OF TRANSPORTATION, PARKING SPACES, WAYSIDE HORNS, THE DISPOSITION OF EXCESS STATE PROPERTY, HEAVY DUTY TRAILERS, FLASHING LIGHTS ON MOTOR VEHICLES AND ROAD AND BRIDGE DESIGNATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. Subsection (c) of section 10a-109n of the general statutes is
- 2 repealed and the following is substituted in lieu thereof (Effective
- 3 *October 1, 2017*):

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- (c) (1) Any construction contract to which the university is a party may include a provision that the design professional who designed the project, or an architect or professional engineer or construction manager retained or employed specifically for the purpose of supervision, may supervise the work to be performed through to completion and ensure that the materials furnished and the work performed are in accordance with the drawings, plans, specifications and contracts therefor.
- (2) (A) Except as provided in subparagraph (B) of this subdivision, any total cost basis contract or other contract for the construction of a university project which is estimated to cost more than five hundred

thousand dollars, shall be publicly let by the university. The university shall give notice to contractors interested in prequalifying to submit a project proposal or bid, by [advertising, at least once, in one or more newspapers having general circulation in the state and by posting the advertisement posting any such notice on the university web site and on the State Contracting Portal. The notice to prequalify shall contain the requirement that contractors be prequalified pursuant to section 4a-100, a statement of the time and place where the responses shall be received and such additional information as the university deems appropriate. Upon receipt of such responses, the university shall select each contractor who has been prequalified pursuant to section 4a-100 and has shown itself able to post surety bonds required by such contract and has demonstrated that it possesses the financial, managerial and technical ability and the integrity necessary and without conflict of interest for faithful and efficient performance of the work provided for therein. The university shall evaluate whether each such contractor is responsible and qualified based on its experience with projects similar to that for which the bid or proposal is to be submitted and based on objective written criteria included in the application to request prequalification with respect to such contract. The university shall also consider whether a contractor, and any subcontractor on the contractor's previous projects, has been in compliance with the provisions of part III of chapter 557 and chapter 558 during the previous five calendar years.

- (B) Notwithstanding the provisions of subparagraph (A) of this subdivision, the board of trustees may approve a total cost basis contract or other contract for the construction of a university project which is estimated to cost more than five hundred thousand dollars that has not been publicly let pursuant to the provisions of said subparagraph (A), provided the board deems the contract to address an emergency.
- 46 (3) The university shall thereafter give notice to those so 47 prequalified by the university pursuant to subdivision (2) of this

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section of the time and place where the public letting shall occur and shall include in such notice such information of the work required as appropriate. Each bid or proposal shall be kept sealed until opened publicly at the time and place as set forth in the notice soliciting such bid or proposal. The university shall not award any construction contract, including, but not limited to, any total cost basis contract, after public letting, except to the responsible qualified contractor, submitting the lowest bid or proposal in compliance with the bid or proposal requirements of the solicitation document. The university may, however, waive any informality in a bid or proposal, and may either reject all bids or proposals and again advertise for bids or proposals or interview at least three responsible qualified contractors and negotiate and enter into with any one of such contractors that construction contract which is both fair and reasonable to the university.

- (4) The notice to each contractor prequalified to submit a proposal or bid and the construction contract, including each total cost basis contract, awarded by the university shall contain such other terms and conditions, and such provisions for penalties as the university may deem appropriate.
- (5) No payments shall be made by the university on account of any contract for the project awarded by or for the university until the bills or estimates presented for such payment shall have been duly certified to be correct by the university. No payments shall be made from any other fund on account of any contract for any project awarded by or for the university until the bills or estimates presented for such payment shall have been duly certified to be correct by the university.
- (6) Provision shall be made in each contract to the effect that payment is limited to the amount provided therein and that no liability of the university or state shall and may be incurred beyond such amount.
- 79 (7) The university shall require, for the protection of the state and

- the university, such deposits, bonds and security in connection with the submission of bids or proposals, the award of construction contracts and the performance of work as the university shall determine to be appropriate and in the public interest of the state.
 - (8) Any contract awarded by the university shall be a contract with the state acting through the university.
 - (9) The university shall not enter into a construction manager at-risk project delivery contract that does not provide for a maximum guaranteed price for the cost of construction which shall be determined not later than the time of the receipt and approval by the university of the trade contractor bids. Each construction manager atrisk shall invite bids and give notice of opportunities to bid on project elements, by [advertising, at least once, in one or more newspapers having general circulation in the state and by posting the advertisement] posting any such invitation or notice on the [Internet] State Contracting Portal. Each bid shall be kept sealed until opened publicly at the time and place as set forth in the notice soliciting such bid. The construction manager at-risk shall, after consultation with and approval by the university, award any related contracts for project elements to the responsible qualified contractor, who shall be prequalified pursuant to section 4a-100, submitting the lowest bid in compliance with the bid requirements, provided (A) the construction manager at-risk shall not be eligible to submit a bid for any such project element, and (B) construction shall not begin prior to the determination of the maximum guaranteed price, except for the project elements of site preparation and demolition that have been previously put out to bid and awarded.
 - (10) If the university designates a project as suitable for a design-build contract, the university may enter into a single contract with a design-builder recommended by a selection panel and selected by the university. The university shall give notice of such project and specifications for such project by posting such notice on the [Internet] State Contracting Portal. The university shall establish a selection

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panel for each project to score the qualifications and past performance of each design-builder who submits a competitive proposal to the university for such project. The selection panel shall score the qualifications and past performance of each design-builder using a predetermined scoring method developed by the university and provided to each design-builder in advance of such design-builder's development of the competitive proposal. The selection panel's scoring method may be unique to each project, but shall consist of combining the score of each design-builder's qualifications and past performance and evaluating the technical merit of the competitive proposal and each design-builder's projected project cost. The design-build contract shall (A) include, but not be limited to, such project elements as permitting, engineering, design, construction and, if applicable, site acquisition, and (B) be based on the competitive proposal submitted by the design-builder that is selected by the university. No design-build contract for which the total cost is estimated to be more than five hundred thousand dollars may be awarded to a design-builder who is not prequalified for the project in accordance with section 4a-100. Such design-build contracts shall state the responsibilities of the designbuilder to deliver a completed and acceptable project on a date certain and the maximum costs of the project and, if applicable, as a separate item, the cost of any site acquisition. The university shall determine all other requirements and conditions for such competitive proposals, selection of a design-builder and other awards and shall have sole responsibility for all other aspects of such design-build contracts.

Sec. 2. Subsections (b) and (c) of section 13a-95b of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(b) If the commissioner designates a project to use a constructionmanager-at-risk contract with a guaranteed maximum price, the commissioner may have the project designed by department personnel or enter into a contract with an architect or engineer for the project design, and may also enter into a contract with a construction-

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manager-at-risk contractor who will provide input during the design process and may be responsible for the construction of the project. The commissioner may permit the contractor to self-perform a portion of the construction work if the commissioner determines that the construction manager general contractor can perform the work more cost-effectively than a subcontractor. All work not performed by the construction manager general contractor shall be performed by trade subcontractors selected by a process approved by the commissioner. The construction-manager-at-risk contract shall have an established guaranteed maximum price. In the event that a guaranteed maximum price cannot be agreed upon, the commissioner may elect to call for bids on the project as provided for pursuant to section 13a-95. The commissioner may select the architect, engineer or contractor from among the contractors selected and recommended by a selection panel. Any such contract for such project shall be based upon competitive proposals received by the commissioner, who shall give notice of the project, by advertising [at least once, in a newspaper having a substantial circulation in the area in which the project is located, and may give notice] on the Department of Administrative Services State Contracting Portal, or use other advertising methods likely to reach qualified construction manager general contractors. Award of any such contract shall be based upon the general conditions and staff costs plus qualitative criteria. The commissioner shall establish all criteria, requirements and conditions of such proposals and award and shall have sole responsibility for all other aspects of the project. Any contract shall clearly state the responsibilities of the contractor to deliver a completed and acceptable project on a date certain, the maximum cost of the project, and, if applicable, as a separate item, the cost of property acquisition.

(c) If the commissioner designates a project to use a design-build contract, the commissioner may enter into a single contract with the design-builder, who the commissioner may select from among the design-builders selected and recommended by a selection panel. The contract shall (1) include, but not be limited to, such project elements

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as site acquisition, permitting, engineering design and construction, and (2) be based on competitive proposals received by the commissioner, who shall give notice of the project and specifications for the project, by advertising [, at least once, in a newspaper having a substantial circulation in the area in which the project is located, and, at the commissioner's discretion,] on the Department of Administrative Services State Contracting Portal, and may use other advertising methods likely to reach qualified design-build contractors. Award of the design-build contract shall be based on a predetermined metric provided to proposers in advance of technical proposal development. This metric may be unique to each project, but shall consist of a combined score of qualifications and past performance of the proposer, technical merit of the proposal and cost. The commissioner shall establish a selection panel for each project to score the qualifications and past performance and technical portion of the proposal using the predefined scoring metric. The sealed cost portion of the proposal shall be opened in a public ceremony only after the qualifications and past performance and technical portions of the proposals have been scored. The commissioner shall determine all criteria, requirements and conditions for such proposals and award and shall have sole responsibility for all other aspects of the contract. Such contract shall state clearly the responsibilities of the design-builder to deliver a completed and acceptable project on a date certain, the maximum cost of the project, and, if applicable, as a separate item, the cost of property acquisition.

Sec. 3. Section 13b-20g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

Whenever there is a need to engage a consultant, the Commissioner of Transportation shall notify all firms that are prequalified in accordance with section 13b-20e in the category of services being sought by the department. If the prequalified list contains fewer than five consulting firms or does not include the area of expertise required by the department, the commissioner shall publish a notice in

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appropriate professional magazines, professional newsletters or on-213 214 line professional web sites, indicating the general scope of the 215 assignment and requesting responses in accordance with subsection 216 (b) of section 13b-20e, and [at least once in one or more newspapers 217 having a circulation in each county of the state] on the Department of 218 Administrative Services State Contracting Portal. Responses shall be 219 received at the Department of Transportation not later than fourteen 220 days after the last date on which the notice is published, unless 221 additional time is specifically authorized by the commissioner, or not 222 later than any specific date set forth in such notice. For certain 223 specialized projects the notice may also solicit a full work proposal in 224 addition to the technical qualifications of a firm.

- Sec. 4. Subsection (h) of section 14-253a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):
- 228 (h) Parking spaces designated for persons who are blind and 229 persons with disabilities on or after October 1, 1979, and prior to 230 October 1, 2004, shall be as near as possible to a building entrance or 231 walkway and shall be fifteen feet wide including three feet of cross 232 hatch, or parallel to a sidewalk on a public highway. On and after 233 October 1, [2004] 2017, parking spaces for passenger motor vehicles 234 designated for persons who are blind and persons with disabilities 235 shall be as near as possible to a building entrance or walkway and 236 shall be fifteen feet wide including five feet of cross hatch, or parallel 237 to a sidewalk on a public highway. On and after October 1, [2004] 2017, 238 parking spaces for passenger vans designated for persons who are 239 blind and persons with disabilities shall be as near as possible to a 240 building entrance or walkway and shall be sixteen feet wide including 241 eight feet of cross hatch, or parallel to a sidewalk on a public highway. 242 Such spaces shall be designated by above grade signs with white 243 lettering against a blue background and shall bear the words 244 "handicapped parking permit required" and "violators will be fined". 245 Such [sign] signs shall also bear the international symbol of access. [On

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- and after January 1, 2017, whenever] Whenever such a sign is replaced, repaired or erected it shall bear the words "reserved parking permit required" and "violators will be fined", bear the symbol of access and indicate the minimum fine for a violation of subsection (f) of this section. Such indicator may be in the form of a notice affixed to such a sign.
- Sec. 5. Subsection (b) of section 13b-329 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):
- 255 (b) A wayside horn may be used in lieu of a horn attached to an 256 engine at any highway-rail grade crossing equipped with an active 257 warning system consisting of, at a minimum, flashing lights and gates. 258 Such wayside horn shall [(1)] conform to the federal requirements for 259 wayside horn use [, and (2) sound at a minimum of twenty-nine 260 seconds prior to the train's arrival at the crossing, while the lead 261 locomotive is traveling across the crossing and occasionally thereafter 262 until such engine has crossed such highway] set forth in 49 CFR 222.59, 263 as amended from time to time. Any entity installing a wayside horn 264 shall comply with the federal requirements for written notice set forth 265 in 49 CFR 222. For the purposes of this section, "wayside horn" has the 266 same meaning as provided in 49 CFR 222.9, as amended from time to 267 time.
- Sec. 6. Subsection (b) of section 13a-80 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective* 270 October 1, 2017):
 - (b) The Department of Transportation shall obtain a full appraisal on excess property prior to its sale and shall hold a public bid or auction for all properties determined to be legal lots of record. If the department does not receive any bids at the initial public bid or auction, the department may continue to market the property and accept offers for sale or hold another bid or auction. Transfers to other state agencies and municipalities for purposes specified by the

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department shall be exempt from the appraisal requirement. The department shall offer parcels that are legal lots of record to other state agencies [, and to any municipality in which any such parcel is located, before holding] prior to a public bid or auction and shall offer parcels that are not legal lots of record to [all] abutting landowners in accordance with department regulations. If the sale or transfer of property pursuant to this section results in the existing property of an abutting landowner becoming a nonconforming use, pursuant to local zoning requirements, the commissioner may sell or transfer the property to such abutting landowner without public bid or auction. The department shall obtain a second appraisal if the value of such property is more than two hundred fifty thousand dollars and is to be sold to an abutting landowner or in accordance with the provisions of subsection (c) of this section. Any appraisals shall be obtained prior to the determination of a sale price of the excess property.

Sec. 7. Section 14-24 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

The [commissioner] Commissioner of Motor Vehicles may, if in [his] the commissioner's opinion it is equitable, grant a special registration and furnish a special set of number plates or markers, limited or unlimited as [he] the commissioner deems advisable, for the operation of heavy duty trailers for the transportation of heavy construction equipment, of cranes or other heavy construction equipment upon the streets and highways of this state from the railroad station or the storage yard to the construction job, or from one construction job to another. Each movement of such trailer, when loaded, crane or other heavy construction equipment shall require a limited or unlimited written permit from the Commissioner of Transportation, unless it is operating with an [oversize-overweight account code number, and a confirmation number] annual permit furnished by said commissioner pursuant to section 14-270. The Commissioner of Transportation shall issue for each such vehicle operating with such an [account code number] annual permit a document which identifies the vehicle and

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states the date of issue and date of expiration. The original document, as furnished by the Commissioner of Transportation, shall be carried in the vehicle. The markers or number plates furnished by the Commissioner of Motor Vehicles shall be displayed in a prominent place on the rear of the vehicle. Such registration may be revoked or suspended at the discretion of the commissioner. Nothing in this section shall be construed to prevent the commissioner from issuing temporary registrations for vehicles of this class. The commissioner may, upon receipt of a certified copy of a permit granted under the provisions of section 13a-117, grant to the person named in the permit a special registration and furnish a special set of number plates or markers, limited or unlimited, as specified in the permit, which permit shall be a part of such registration. The registered gross weight of any tractor-trailer unit, where the trailer is registered as a heavy duty trailer, shall be the light weight of the tractor plus the gross weight of the heavy duty trailer.

Sec. 8. Subsection (f) of section 14-96q of the general statutes is repealed and the following is substituted in lieu thereof (*Effective* 329 October 1, 2017):

(f) The commissioner may issue a permit for a yellow or amber light or lights, including flashing yellow or amber lights, which may be used on motor vehicles or equipment that are (1) specified in subsection (e) of this section, (2) maintenance vehicles as defined in section 14-1, or (3) vehicles transporting or escorting any vehicle or load or combinations thereof, which is or are either oversize or overweight, or both, and being operated or traveling under a permit issued by the Commissioner of Transportation pursuant to section 14-270. A yellow or amber light or lights, including flashing yellow or amber lights, may be used without obtaining a permit from the Commissioner of Motor Vehicles on wreckers registered pursuant to section 14-66, [or] on vehicles of carriers in rural mail delivery service or on vehicles operated by construction inspectors employed by the state of Connecticut, authorized by the Commissioner of

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- 344 Transportation, used during the performance of inspections on behalf
- of the state. The Commissioner of Transportation shall maintain a list
- of such authorized construction inspectors, including the name and
- 347 address of each inspector and the registration number for each vehicle
- on which the lights are to be used.
- Sec. 9. (Effective from passage) A portion of Route 53 in Danbury,
- 350 from Interstate 84 to South Street, shall be designated the "Danbury
- 351 Veterans Memorial Highway".
- Sec. 10. (Effective from passage) Route 67 in Oxford shall be
- 353 designated the "Lieutenant Colonel Howard Belinsky Memorial
- 354 Highway".
- Sec. 11. (Effective from passage) A portion of Route 450 in Madison,
- 356 between Five Field Road and New Road, shall be designated the
- 357 "Andrew Pedersen-Keel Memorial Highway".
- Sec. 12. (Effective from passage) Route 32 from the end of Route 2
- 359 overlap in Norwich, northerly to the intersection with Route 207 in
- 360 Franklin, shall be designated the "Joseph J. Buyak, Jr. Memorial
- 361 Highway".
- Sec. 13. (Effective from passage) Route 80 in North Branford from the
- East Haven town line to the Guilford town line shall be designated the
- 364 "North Branford Fire Department Memorial Highway".
- Sec. 14. (Effective from passage) Route 69 in Woodbridge from the
- 366 New Haven town line northerly to the Bethany town line shall be
- designated the "Thomas Darling Memorial Highway".
- 368 Sec. 15. (Effective from passage) Route 194 in South Windsor from
- 369 Route 30 to Ayers Road shall be designated the "Cary Prague
- 370 Memorial Highway".
- Sec. 16. (Effective from passage) A portion of Route 120, from Route
- 372 322 to Route 10, in Southington shall be designated "The Southington

- 373 Fallen Firefighters Memorial Highway".
- Sec. 17. (Effective from passage) The Mount Hope River Bridge on
- Route 44 in Ashford shall be designated the "Specialist Robert W. Hoyt
- 376 Memorial Bridge".
- Sec. 18. (Effective from passage) Route 189 in Hartford near the
- 378 University of Hartford shall be designated the "A. Peter LoMaglio
- 379 Memorial Highway".
- Sec. 19. (Effective from passage) Bridge number 00349 on Route 1
- overpassing the Patchogue River in Westbrook shall be designated the
- 382 "Singing Bridge".
- Sec. 20. (Effective from passage) Bridge number 00348 on Route 1 in
- Westbrook, overpassing the Menunketesuck River, shall be designated
- 385 the "John H. Wilson Memorial Bridge".
- Sec. 21. (Effective from passage) Bridge number 05708 on Route 70
- over the Ten Mile River shall be designated the "Police Chief Gary
- 388 Walberg Memorial Bridge".
- Sec. 22. (Effective from passage) Bridge number 00190 in Branford
- overpassing Todds Hill Road shall be designated the "Frank Kinney, Jr.
- 391 Memorial Bridge".
- 392 Sec. 23. (Effective from passage) Bridge number 01075 in Cheshire
- 393 shall be designated the "State Police Officer G. Karume Schweitzer
- 394 Memorial Bridge".
- 395 Sec. 24. (Effective from passage) The bridge on West Street in
- 396 Southington, overpassing Interstate 84, shall be designated the
- 397 "Detective Bruce Boisland Memorial Bridge".
- 398 Sec. 25. Section 29 of public act 13-277 is repealed and the following
- is substituted in lieu thereof (*Effective from passage*):
- 400 Bridge number 04324 on Route 175 in Newington shall be

- designated the "Sergeant Burton E. Callahan, Jr. Memorial Bridge".
- Sec. 26. Section 188 of public act 15-5 of the June special session is repealed and the following is substituted in lieu thereof (*Effective from passage*):
- Route 194 in South Windsor running in a generally northerly direction from U.S. Route 5 to Troy Road shall be designated the "Thomas [F.] <u>E.</u> Howe Memorial Highway".
- Sec. 27. Section 189 of public act 15-5 of the June special session is repealed and the following is substituted in lieu thereof (*Effective from passage*):
- Route 10 in Cheshire running in a northerly direction from approximately 350 feet south of the entrance of Bartlem Park to the Cheshire Police Station shall be designated the "Medal of Honor Memorial Highway".

This act shall take effect as follows and shall amend the following			
sections:			
	0.1.1.2017		
Section 1	October 1, 2017	10a-109n(c)	
Sec. 2	October 1, 2017	13a-95b(b) and (c)	
Sec. 3	October 1, 2017	13b-20g	
Sec. 4	October 1, 2017	14-253a(h)	
Sec. 5	October 1, 2017	13b-329(b)	
Sec. 6	October 1, 2017	13a-80(b)	
Sec. 7	October 1, 2017	14-24	
Sec. 8	October 1, 2017	14-96q(f)	
Sec. 9	from passage	New section	
Sec. 10	from passage	New section	
Sec. 11	from passage	New section	
Sec. 12	from passage	New section	
Sec. 13	from passage	New section	
Sec. 14	from passage	New section	
Sec. 15	from passage	New section	
Sec. 16	from passage	New section	
Sec. 17	from passage	New section	

Sec. 18	from passage	New section
Sec. 19	from passage	New section
Sec. 20	from passage	New section
Sec. 21	from passage	New section
Sec. 22	from passage	New section
Sec. 23	from passage	New section
Sec. 24	from passage	New section
Sec. 25	from passage	PA 13-277, Sec. 29
Sec. 26	from passage	PA 15-5 of the June Sp.
		Sess., Sec. 188
Sec. 27	from passage	PA 15-5 of the June Sp.
		Sess., Sec. 189

Statement of Legislative Commissioners:

The title was changed.

TRA Joint Favorable Subst.